

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

HOME & MORE, LLC)
DBA CALLOWAY MILLS,)
)
Plaintiff,)
)
vs.) Civil Action No. _____
)
THE HOUZNBATH LLC)
& JOSEPH REICH)
DBA LUXURUX,) JURY TRIAL REQUESTED
)
Defendants.)

1. This action arises pursuant to the Copyright Laws of the United States, 17 U.S.C. §§ 101-1332.

2. This Court has original jurisdiction of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This is an action for infringement of Plaintiff's registered copyright. Plaintiff seeks actual damages and any additional profits based on the Defendants' infringement; or, in the alternative, if Plaintiff elects to do so, statutory damages pursuant to 17 U.S.C. § 504(c). In addition, Plaintiff seeks an award for its attorneys' fees and costs.

4. Plaintiff, Home & More, LLC, is a limited liability company of Georgia with a principal place of business at 3202 Dug Gap Road, Dalton GA 30720.

5. Defendant, The Houznbath LLC is a limited liability company of New York. Defendant has asserted in filings with the United States Patent and Trademark Office that it has a business address at 217 Keap St., Brooklyn, NY 11211.

8. On information and belief, Joseph Reich is an individual residing at 275 Hooper St., Brooklyn, NY 11211.

9. On information and belief, The Houznbath LLC and Joseph Reich are doing business as LuxUrux. The Houznbath LLC and Joseph Reich are referred to collectively herein as “Defendant.”

10. The Defendant is subject to the *in personam* jurisdiction of this Court in that it has sold products into this District which infringe on Plaintiff’s copyrights and Defendant has established minimum contacts with this district such that the exercise of jurisdiction over the Defendant would not offend traditional notions of fair play and justice.

11. Venue is proper in this district pursuant to at least 28 U.S.C. §§ 1391(a), (b) and (c).

CLAIM FOR COPYRIGHT INFRINGEMENT

12. The foregoing paragraphs are incorporated herein by reference for all purposes.

13. Plaintiff offers and sells doormats that incorporate different copyrighted designs of Plaintiff through a variety of retailers including Amazon and Home Depot under its Calloway Mills brand.

14. Plaintiff is the sole owner of all copyrights in a doormat entitled “Floral Hello Doormat.” The U.S. Library of Congress issued U.S. copyright registration certificate number VA-2-257-252 entitled “Floral Hello Doormat 105991729” to Plaintiff for the 2-D artwork embodied in the door mat with an effective date of registration of July 2, 2021.

15. Plaintiff currently distributes and sells products embodying the Floral Hello Doormat design throughout the United States (hereinafter “Plaintiff’s Floral Hello Doormat”). A Photograph of Plaintiff’s Floral Hello Doormat and print of Plaintiff’s listing on Amazon for Plaintiff’s Floral Hello Doormat is attached as Exhibit A.

16. Defendant sells and distributes doormats under the LuxUrux brand name throughout the United States, including in this District, through certain retailers including Amazon.

17. One of Defendant’s doormats is identical to, or at least incorporates substantial portions of, and was derived from Plaintiff’s copyrighted design of Plaintiff’s Floral Hello Doormat (hereinafter “Defendant’s Floral Hello Doormat”).

18. Defendant’s Floral Hello Doormat is shown in the photograph attached as Exhibit B.

19. Without the consent, approval, or license of the Plaintiff, by selling and distributing Defendant’s Floral Hello Doormat, Defendant has infringed upon Plaintiff’s exclusive rights of copyright in the 2-D artwork embodied in Plaintiff’s Floral Hello Doormat, which is the subject of copyright registration no. VA-2-257-252.

20. Additionally, Defendant sells and distributes various other doormats identical to, or at least incorporating substantial portions of, other unregistered copyright designs original to Plaintiff.

21. On or about November 15, 2023, Plaintiff sent a copyright infringement notice to Amazon.com Defendant’s Floral Hello Doormat listing on Amazon.com. After investigating the notice, Amazon.com removed the listing.

22. Defendant has not ceased sales of Defendant's Floral Hello Doormat. Rather, on November 21, 2023, Defendant, Mr. Joseph Reich, filed a counter notice with Amazon.com with an assertion that Defendant's Floral Hello Doormat does not infringe Plaintiff's copyrighted design of Plaintiff's Floral Hello Doormat. Per its standard procedure, Amazon.com informed Plaintiff that it would allow Defendant's listing to be reactivated, unless Plaintiff provides Amazon.com with notice that it has filed a lawsuit against Defendant by December 6, 2023.

23. Defendant knew or should have known of Plaintiff's exclusive rights in its work prior to the time Defendant used and reproduced Plaintiff's work, and sold and distributed works derived from Plaintiff's work. Nevertheless, Defendant has proceeded knowingly, willfully, and with malicious disregard for Plaintiff's rights to infringe Plaintiff's copyrights.

24. Defendant has therefore caused, and continues to cause, irreparable injury to Plaintiff by infringement of its copyrights in the work which is the subject of this Complaint.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Home & More, LLC prays for the following relief:

A. That the Court order Defendant to pay Plaintiff, in accordance with 17 U.S.C. § 504, damages, including statutory damages at the election of Plaintiff, which Plaintiff has suffered as a consequence of Defendant's infringement of Plaintiff's copyrights in its work and to account for and pay to Plaintiff:

- (1) All gains, profits, benefits and advantages derived by Defendant from its sales and distribution of Defendant's Floral Hello Doormat;
- (2) All costs and attorneys' fees incurred by Plaintiff in this action; and
- (3) If Plaintiff elects statutory damages, a determination that Defendant has acted willfully in infringing Plaintiff's copyrights, thereby

warranting an award of statutory damages as provided for by 17
U.S.C. § 504(c)(2);

B. That the Court issue a preliminary and permanent injunction and such other and further relief as is available under 17 U.S.C. § 502 to prevent any further infringement of Plaintiff's copyrights by Defendant;

C. That the Court direct Plaintiff or the Court's designee to take possession of all goods infringing Plaintiff's copyright and all articles by means of which such goods may be reproduced that are in the possession, custody or control of Defendant for destruction or disposal as provided by 17 U.S.C. § 503; and

D. That the Court award Plaintiff such other and further relief as the Court deems just and proper.

REQUEST FOR JURY TRIAL

Home & More, LLC hereby requests a jury to try any issue triable of right before a jury.

Respectfully submitted,

/s/Robert O. Fox

Robert O. Fox - (Georgia Bar No. 272610)

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Dated: December 5, 2023